

REMARKS

Claims 1-3, 6, 7, 9, 10, 11, 16, 17, 24, and 26 are amended. Claims 1-3, 5-21, and 23-28 are pending. In view of the following remarks, Applicant

5 respectfully requests reconsideration of the rejections.

§ 103 Rejections

Claims 1-3, 5-7, 9-14, 16-20, and 23-28 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,985,934 to Armstrong et. al. (hereinafter “Armstrong”) in view of U.S. Patent Application Pub. No. 2002/0019831 to Wade (hereinafter “Wade”) in further view of U.S. Patent No. 7,133,837 to Barnes, Jr. (hereinafter “Barnes”). It is noted that claim 28 was not listed in the claim listing at the beginning of paragraph 5 of the Office Action, but was addressed later in paragraph 5.

15 Claims 8, 15, and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Armstrong in view of Wade in view of Barnes and in further view of U.S. Patent No. 6,262,724 to Crow et. al. (hereinafter “Crow”).

For the reasons set forth below, Applicant respectfully traverses the Office’s rejections.

20

1. Independent Claim 1

Claim 1 recites a method comprising [emphasis added]:

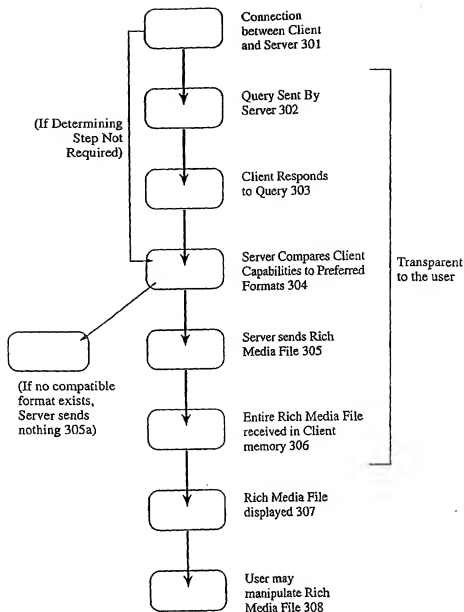
- receiving an indication over a network, in response to a request for access to a rich media presentation by an internet browser on a network device, that the internet browser on the network device has *requested* access to the rich media presentation;
- in response to the receiving an indication, detecting one or more attributes of one or both of rich media capabilities associated with the internet browser or rich media capabilities associated with the network device; and
- selecting a rich media presentation to be sent to the internet browser from among a plurality of rich media presentations based on the one or more attributes that are detected, wherein *a selected rich media presentation includes a media package* selected based on the one or more attributes that are detected and a virtual player configured to play the media package on the network device.

Claim 1 stands rejected under § 103(a) as allegedly being obvious over Armstrong in view of Wade and in further view of Barnes. A claim's subject matter is obvious "if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains." 35 U.S.C. § 103(a). Claim 1 is not obvious over Armstrong in view of Wade and further in view of Barnes because (1) the combination of Armstrong and Wade fails to disclose or suggest at least one element of independent claim 1, and (2) Armstrong teaches away from the modification proposed by the Examiner and/or modifying Armstrong in view of

Wade, as proposed by the Examiner, would change an operating principle of Armstrong.

a. Receiving an Indication

Claim 1 recites, in part: “receiving an indication over a network, in
5 response to a request for access to a rich media presentation....” The Examiner asserts that Armstrong discloses “automatically determining when an internet browser of a network device on a network has requested access to a rich media presentation” (*Office Action*, pg. 3). This language is not a part of Applicant’s current claim. However, Armstrong’s disclosure of *merely* connecting to a server
10 is not “receiving an indication over a network, in response to a request for access to a rich media presentation....” Armstrong’s Fig. 3, which is provided below for the Office’s convenience, depicts the process of querying and clearly shows that Armstrong lacks the subject matter of this claim.



There is simply no disclosure or suggestion in this Figure or its description of “receiving an indication over a network, in response to a request for access to a rich media presentation....” In point of fact, Armstrong instructs “[t]his polling is

5 transparent to the end user and requires no action on the part of the end user” (See Abstract, see also column 7, lines 39-43). Armstrong’s “transparent polling” is not “an indication” as recited in this claim. Accordingly, the element “an

indication over a network, in response to a request for access to a rich media presentation” is missing from Armstrong, and Applicant respectfully requests that the Examiner withdraw this rejection for at least this reason.

b. Including a Media Package and a Virtual Player

5 Claim 1 further recites, in part: “selecting a rich media presentation to be sent to the internet browser...wherein a selected rich media presentation includes a media package...and a virtual player configured to play the media package on the network device.” The Examiner acknowledges that Armstrong fails to specifically disclose the presentation package including a viewer configured to view the data
10 of the media package. Nevertheless, the Examiner asserts that Wade discloses this subject matter and that it would be obvious to combine Wade and Armstrong. The Examiner asserts that one would be motivated to make the combination to have allowed a user to view presentations, even if his/her machine originally failed to have a multimedia player. Applicant respectfully disagrees with the Examiner’s
15 assertions at least because Armstrong specifically teaches away from such a modification, and modifying Armstrong in view of Wade, as suggested by the Examiner, would change an operating principle of Armstrong.

Armstrong specifically instructs “in the event that response from client did not match any of the file formats...**server will not send rich media file to client.**”

20 Armstrong, Column 8, lines 34-43. Accordingly, Armstrong teaches away from the Examiner’s suggested modification. Further, the Examiner’s suggested modification of Armstrong would preclude Armstrong from **not** sending a rich

media file to the client, as specifically taught by Armstrong, thus changing an operating principle of Armstrong. Accordingly, for at least this additional reason, a *prima facie* case of obviousness has not been established.

For any and/or all of the reasons set forth above, Applicant respectfully requests that the Examiner withdraw this rejection.

2. Independent Claim 10

Claim 10 recites one or more computer-readable storage media having instructions stored thereon, the instructions comprising [emphasis added]:

- 10 • instructions to automatically determine when a rich media presentation is accessed by an internet browser on a network device, *in response to a request for access* to the rich media presentation by the internet browser, when the network device is coupled to a network;
- 15 • instructions to detect one or more attributes of one or both of rich media presentation capabilities associated with the internet browser or rich media presentation capabilities associated with the network device in response to the request; and
- 20 • instructions to cause the rich media presentation to be sent to the internet browser, wherein the rich media presentation includes a media package selected based on the one or more attributes that are detected and a virtual player configured to play the media package.

In making out the rejection of claim 10, the Office simply refers to the rejection of claim 1 (*Office Action*, pg. 5). Claim 10 stands rejected under § 103(a) as allegedly being obvious over Armstrong in view of Wade and in further view of Barnes. Claim 10 is not obvious over Armstrong in view of Wade and further in view of Barnes because (1) the combination of Armstrong and Wade fails to disclose or suggest at least one element of claim 10, and (2) Armstrong

teaches away from the modification proposed by the Examiner and/or modifying Armstrong in view of Wade, as proposed by the Examiner, would change an operating principle of Armstrong.

a. A Request for Access

5 Claim 10 recites, in part: “instructions to automatically determine when a rich media presentation is accessed by an internet browser on a network device, *in response to a request for access* to the rich media presentation by the internet browser....” Armstrong describes a system in which a server polls software, hardware, or appliance of an end user on a network for the availability of the
10 software and/or hardware necessary for display of rich media content. Based on a client’s *response*, the server sends an appropriately formatted version of the rich media file. Accordingly, the element “in response to *a request* for access to the rich media presentation *by the internet browser*” is missing from Armstrong and Applicant respectfully requests that the Examiner withdraw this rejection for at
15 least this reason.

b. Including a Media Package and a Virtual Player

The Examiner acknowledges that Armstrong fails to specifically disclose the rich media presentation including a media package and a virtual player. Nevertheless, the Examiner asserts that Wade discloses this subject matter and that
20 it would be obvious to combine Wade and Armstrong. Applicant respectfully disagrees and asserts, for reasons similar to those described above with respect to claim 1, Armstrong teaches away from the Examiner’s suggest modification and

modifying Armstrong in view of Wade, as suggested by the Examiner, would change an operating principle of Armstrong. Accordingly, for at least this additional reason, a *prima facie* case of obviousness has not been established.

For any and/or all of the reasons set forth above, Applicant respectfully requests that the Examiner withdraw this rejection.

3. Independent Claim 16

Claim 16 recites a system comprising [emphasis added]:

- a computing device configured to execute instructions to implement a rich media presentation application configured to:
- automatically determine when a rich media presentation is attempted to be accessed by an internet browser on a network device;
- detect one or more attributes of one or both of rich media presentation capabilities associated with the internet browser or rich media presentation capabilities associated with the network device *in response to a request from the network device* for access to the rich media presentation; and
- select a rich media presentation from among a plurality of rich media presentations, based on the one or more attributes that are detected, to be provided to the internet browser, wherein a selected rich media presentation includes a media package selected based on the one or more attributes that are detected and a virtual player configured to play the media package.

In making out the rejection of claim 16, the Office simply refers to the rejection of claim 1 (*Office Action*, pg. 5). Claim 16 stands rejected under § 103(a) as allegedly being obvious over Armstrong in view of Wade and in further view of Barnes. Claim 16 is not obvious over Armstrong in view of Wade and further in view of Barnes because (1) the combination of Armstrong and Wade fails to disclose or suggest at least one element of claim 16, and (2) Armstrong teaches away from the modification proposed by the Examiner and/or modifying

Armstrong in view of Wade, as proposed by the Examiner, would change an operating principle of Armstrong.

a. A Request From the Network Device

Claim 16 recites, in part: “automatically determine when a rich media presentation is attempted to be accessed by an internet browser on a network device; detect one or more attributes of one or both of rich media presentation capabilities associated with the internet browser or rich media presentation capabilities associated with the network device *in response to a request from the network device for access to the rich media presentation...*” Armstrong describes a system in which a server polls software, hardware, or appliance of an end user on a network for the availability of the software and/or hardware necessary for display of rich media content. Based on a client’s *response*, the server sends an appropriately formatted version of the rich media file. Accordingly, the element “*in response to a request from the network device for access to the rich media presentation*” is missing from Armstrong and Applicant respectfully requests that the Examiner withdraw this rejection for at least this reason.

b. Including a Media Package and a Virtual Player

In addition, there is no motivation to combine Armstrong and Wade given that Armstrong teaches away from the Examiner’s suggested modification and modifying Armstrong in view of Wade, as suggest by the Examiner, would change

an operating principle of Armstrong, as noted above. Accordingly, for at least this additional reason, a *prima facie* case of obviousness has not been established.

For any and/or all of the reasons set forth above, Applicant respectfully requests that the Examiner withdraw this rejection.

4. Dependent Claims

Claims 2, 3, 5-9, 11-15, 17-21, 23-28 each depend from one of allowable, independent claims 1, 10, and 16. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claims 2, 3, 5-9, 11-15, 17-21, and 23-28 at least for this reason.

Conclusion

In view of the above, the Office's rejections have been traversed. Accordingly, Applicant respectfully requests that the Office issue a Notice of Allowability. If the Office's next anticipated action is to be anything other than issuance of a Notice of Allowability, Applicant respectfully requests a telephone call for the purpose of scheduling an interview.

Respectfully submitted,

Dated: 8/5/2010

By: /Lance R. Sadler/

Lance R. Sadler
Reg. No. 38605
(509) 755-7251